

05/21/01



Practitioner's Docket No. 65506-0054

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
 Commissioner for Patents
 Washington, D.C. 20231



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
 Inventor(s): **Richard C. Darr and William A. Slat**

For (title): **CONTAINER WITH IMPROVED NECK PORTION AND METHOD FOR
 MAKING THE SAME**

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
☐ Design
☐ Plant
☒ Divisional.
☐ Continuation.
☐ Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s).
 Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE
 BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is **mandatory**.)

(Express Mail certification is *optional*.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date **May 21, 2001**, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number **EL 781 399 823 US**, addressed to the: Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Janice E. Lauro

(Type or print name of person mailing paper)

Janice E. Lauro
 Signature of person mailing paper

3. **Papers Enclosed**

A. **Required for Filing Date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application**

15 Pages of Specification

06 Pages of Claims

09 Sheets of Drawing

☒ Formal
☐ Informal

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

B. **Other Papers Enclosed**

03 Pages of declaration and power of attorney as filed in the parent application

01 Pages of Abstract

 Other

Additional Papers Enclosed

☒ Amendment to claims

☒ Cancel in this applications claims 1-11 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

☐ Preliminary Amendment

☐ Information Disclosure Statement (37 C.F.R. § 1.98)

☐ Form PTO-1449 (PTO/SB/08A and 08B)

☐ Citations

☐ Declaration of Biological Deposit

Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments

☐ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).

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5. **Declaration or Oath (including power of attorney). A copy from the parent application is**

- ☒ Enclosed
Executed by
☒ inventor(s).
☐ legal representative of inventor(s). 37 C.F.R. § 1.42 or 1.43.
☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
☐ This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.
☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).
☐ Showing that the filing is authorized.
(not required unless called into question. 37 C.F.R. § 1.41(d))

6. **Inventorship Statement**

The inventorship for all the claims in this application are:

- ☐ The same.
- or**
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

7. **Language**

- ☒ English
☐ Non-English
☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. **Assignment**

- ☒ A copy of the assignment filed in the parent application of the invention to Plastipak Packaging Corporation, Inc. is enclosed.
☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or [] FORM PTO 1595 is also attached.
☐ will follow.

9. **Certified Copy**

Certified copy(ies) of application(s)

country	appln. no.	filed
country	appln. no.	filed
country	appln. no.	filed

from which priority is claimed
☐ is (are) attached.
☐ will follow.

10. **Fee Calculation** (37 C.F.R. § 1.16)

A. ☒ Divisional application

CLAIMS AS FILED			
Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$ 710.00
Total Claims (37 CFR 1.16(c))	18 - 20 = 0	X \$ 18.00	
Independent Claims (37 CFR 1.16(b))	04 - 3 = 1	X \$ 80.00	80.00
Multiple dependent claims, if any, (37 CFR 1.16(d))		X \$ 270.00	

- ☐ Amendment cancelling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 790.00

B. ☐ Design application
(\$320.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ _____

C. ☐ Plant application
(\$490.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ _____

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11. **Small Entity Statement(s)**

☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.

☐ Status as a small entity was claimed in prior application _____, filed on _____ from which benefit is being claimed for this application under:

35 U.S.C. § ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),

and which status as a small entity is still proper and desired.

☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ _____

12. **Request for International-Type Search** (37 C.F.R. § 1.104(d))

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. **Fee Payment Being Made at This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.

(This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.)

☒ Enclosed

☒ Filing fee \$ 790.00

☐ Recording assignment (\$40.00; 37 C.F.R. § 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

☐ Petition fee for filing by other than all the inventors
or person on behalf of the inventor where inventor
refused to sign or cannot be reached \$ _____
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i))

☐ For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) \$ _____

☐ Processing and retention fee
(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l)) \$ _____

☐ Fee for international-type search report
(\$40.00; 37 C.F.R. § 1.21(e)) \$ _____

Total Fees Enclosed \$ 790.00

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14. **Method of Payment of Fees**

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. **18-0013** in the amount of \$ **790.00**.
- A duplicate of this transmittal is attached.

15. **Authorization to Charge Additional Fees**

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. **18-0013**.
- ☒ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a).
- ☒ 37 C.F.R. § 1.17 (application processing fees)
- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. **Instructions as to Overpayment**

- ☒ Credit Account No. **18-0013**.
- ☐ Refund.

Date: 5/21/01

Reg. No. 39,698

Tel. No.: (248) 593-3310

Customer No. 010291


SIGNATURE OF PRACTITIONER

John P. Guenther
RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue,
Suite 140
Bloomfield Hills, Michigan 48304

☒ **Incorporation by reference of added pages**

- ☒ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed
- Number of pages added _____
- ☐ Plus Added Pages for Papers Referred to in Item 4 Above
- Number of pages added _____
- ☐ Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.
- Number of pages added _____
- ☐ Plus "Assignment Cover Letter Accompanying New Application"
- Number of pages added _____

☐ **Statement Where No Further Pages Added**

- ☐ This transmittal ends with this page.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED****17. Relate Back**

- ☒ Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. 119(e)

- ☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:**FILING DATE****B. 35 U.S.C. 120, 121 and 365(c)**

- ☒ "This application is a

- ☐ continuation
☐ continuation-in-part
☒ divisional

of copending application(s)

- ☒ application number **09/166,978** filed on **October 6, 1998**"
☐ International Application _____ filed on _____ and which designated the U.S."
☐ "The nonprovisional application designated above, namely application
_____, filed _____, claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S).:**FILING DATE**

- ☐ Where more than one reference is made above please combine all references into one sentence.

18. Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country

Appln. no.

Filed

The certified copy(ies) has (have)

- ☐ been filed on _____, in prior application _____, which was filed on _____.
☐ is (are) attached.

19. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)

- ☐ A petition, fee and response extends the term in the pending **prior** application until
☐ A **copy** of the petition filed in prior application is attached.

- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
☐ A **copy** of the conditional petition filed in the prior application is attached.

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

(complete applicable item (a), (b) and/or (c) below)

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
☐ the same.
☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

- ☐ the same.
☐ the following additional inventor(s) have been added:

(type name(s) of inventor(s) to be deleted)

- (c) ☐ The inventorship for all the claims in this application are

- ☐ the same.
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
☐ is submitted.
☐ will be submitted.

21. Abandonment of Prior Application *(if applicable)*

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

23. Small Entity (37 CFR § 1.28(a))

- ☐ Applicant has established small entity status by the filing of a statement in parent application _____ on _____.
☐ A copy of the statement previously filed is included.

24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

- ☒ A notification of the filing of this
(check one of the following)
☐ continuation
☐ continuation-in-part
☒ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

R0113823.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Darr et al.

Batch No. F04

Application No.: 09/166,978

Group No.: 3727

Filed: October 06, 1998

Examiner: Tri M. Mai

For: Container With Improved Neck Portion And Method For Making The Same

Box Issue Fee

Commissioner for Patents

Washington D.C. 20231

NOTIFICATION OF FILING OF CONTINUATION APPLICATION

Notification is hereby being made of the filing of a:

- ☐ continuation
☐ continuation-in-part
☒ divisional
☐ continued prosecution

application for this case

- ☒ concurrently herewith.
☐ on _____

Date

Date: 5/21/01

Reg. No. 39,698

Tel. No.: (248) 593-3310

Customer No. 010291


SIGNATURE OF PRACTITIONER

John P. Guenther

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue,

Suite 140

Bloomfield Hills, Michigan 48304

R0113826.DOC

CERTIFICATION UNDER 37 C.F.R. § 1.10*

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service on this date May 21, 2001 in an envelope as "Express Mail Post Office to Addressee," Mailing Label No. EL 781 399 837 US, addressed to the Commissioner for Patents, Washington, D.C. 20231

Date: 5/21/2001
Janice E. Laurro

(Notification of Filing of Continuing, Divisional or Continued Prosecution Application—page 1 of 1)